

20 QUESTIONS ABOUT THE COLORADO FOR FAMILY VALUES AMENDMENT

1. How are gays and lesbians currently protected from discrimination in Colorado?

Aspen, Boulder and Denver have ordinances protecting anyone from discrimination when it is based solely on such characteristics as race, creed, color, marital status, etc. These cities have deemed it appropriate to include sexual orientation in this list of characteristics.

Typically, such ordinances protect against discrimination in employment, housing, and public accommodations. That means a person can still be fired for poor job performance, but not because they are homosexual or heterosexual. It also means a person can still be evicted for not paying rent, but not because of sexual orientation.

2. When did these three cities enact their ordinances?

The Aspen City Council adopted its anti-discrimination ordinance November 28, 1977. Boulder voters approved an ordinance November 3, 1987. The Denver City Council adopted an anti-discrimination ordinance October 15, 1990, and the voters upheld it May 21, 1991.

3. Does this protection mean gays, lesbians, and bisexuals have "special" rights?

Absolutely not. CFV (the proponents of Amendment #2) would have people believe that gays and lesbians are seeking "special" rights. But what is "special" about having a job, a roof over one's head, and having fair access to public accommodations? These are all basic civil rights, and there is nothing

special about them. *Special* is a campaign slogan used by CFV to single out a group of Colorado citizens for legalized discrimination, and nothing more.

4. How are people otherwise protected in Colorado?

On Dec. 10, 1990, Governor Roy Romer signed an Executive Order protecting state executive branch employees from discrimination, and the list of protected characteristics included sexual orientation. Likewise, a growing number of businesses extend non-discrimination protection to employees. Among them are U.S. West, AT&T, Kodak, Coors, Sears, Storage Tek, Apple Computer, and Digital, to name a few. More than 100 cities across the country have similar laws, including Ann Arbor, Atlanta, Baltimore, Columbus, Detroit, Iowa City, Minneapolis, Raleigh, Sacramento, Seattle, Tucson, and Washington, D.C. And six states, Connecticut, Hawaii, Massachusetts, New Jersey, Vermont, and Wisconsin, have statutes prohibiting sexual orientation discrimination.

5. What is the definition of sexual orientation?

Sexual orientation refers to the status of an individual as to their heterosexuality, homosexuality or bisexuality. It is an orientation established by one's psychological, emotional and affectional disposition. Orientation is not determined by engaging in any particular sexual act. Just as heterosexuals are aware of their orientation whether any relationships develop or not, many lesbians

and gay men know themselves to be homosexual before they ever have relationships. Current research on the brain is beginning to identify the origin of sexual orientation.

6. What does the proposed Colorado for Family Values amendment say?

It would amend Article 2 of the Colorado Constitution by the addition of Section 30, which states: "NO PROTECTED STATUS BASED ON HOMOSEXUAL, LESBIAN OR BISEXUAL ORIENTATION. Neither the State of Colorado, through any of its branches or departments, nor any of its agencies, political subdivisions, municipalities or school districts, shall enact, adopt or enforce any statute, regulation, ordinance or policy whereby homosexual, lesbian or bisexual orientation, conduct, practices or relationships shall constitute or otherwise be the basis of, or entitle any person or class of persons to have or claim any minority status, quota preferences, protected status or claim of discrimination. This Section of the Constitution shall be in all respects self-executing."

Put simply, this amendment says that no town or other governmental subdivision will ever be allowed to vote on the matter of non-discrimination for gay and lesbian people. And if anybody voted on it in the past, such vote is cancelled, voided, over-turned. Nothing this negative against basic civil rights (jobs, housing, public accommodations) has ever been tried in the United States.

7. Who is behind the attempt to amend Colorado's Constitution?

The effort is being spearheaded through a Colorado Springs-based group called "Colorado for Family Values" (CFV). It is an offshoot of the "Traditional Values

Coalition" a national anti-gay organization based in Anaheim, CA. Members of CFV's executive and advisory boards represent fundamentalist, right-wing groups such as the TVC, Focus on the Family, Concerned Women for America, Summit Ministries and the Eagle Forum.

8. What effect would the proposed constitutional amendment have on home rule cities such as Denver and Boulder?

The amendment is a direct attack on home rule autonomy. Two-thirds of all Coloradans live in home rule cities. Under the Colorado Constitution home rule cities are empowered to address the needs of their residents as they see fit. Denver, Boulder and Aspen are all home rule cities that have enacted anti-discrimination ordinances. Passage of CFV's proposed amendment would repeal those ordinances as they relate to gay, lesbian, and bisexual people.

9. Why does CFV want to amend Colorado's Constitution?

CFV wants to permanently legalize discrimination against gays and lesbians. That is why CFV wants to meddle with the Constitution rather than letting the issue be debated and resolved at the local or state level. A sister group (Oregon Citizens Alliance) is trying to do the same thing to the Oregon Constitution.

10. Is the proposed amendment constitutional?

Probably not. It would write discrimination into the Colorado Constitution. It singles out gays and lesbians as a class that would never be protected by anti-discrimination laws. This violates the equal protection clause of the 14th Amendment to the U.S. Constitution.

11. If the proposed amendment may be unconstitutional, then why are we likely to vote on it in November?

In Colorado, the people have the right to initiate legislation and, therefore, may petition to create or change any law. The separation of powers doctrine prevents the courts from reviewing the legality of legislation until after it has been adopted. In this case, the courts would not act unless and until the proposed amendment were passed by majority vote in an election.

12. What is the point of the "horror stories" CFV uses in their campaign?

Opponents of anti-discrimination laws often tell wild or obscure tales as if they were the norm. Such stories are meant to play on people's fear. When CFV supporters were circulating petitions to get the proposed amendment on the November ballot, they often told people, "Without this amendment, our very church will be forced to hire gay Sunday school teachers... and our preacher can be jailed if he speaks out against homosexuality." These arguments are not even close to true. Rather than foster an informed discussion about the societal value of non-discrimination, CFV seems intent on creating a stampede of prejudice through exaggeration, distortion and lies.

13. As the CFV committee says, why should there be protection of people with above average incomes?

They refer to a survey that suggests gays and lesbians make above average incomes. Whether it's true or not, it's not relevant. Who else loses basic rights when their income reaches a certain level? Nobody. This is another smokescreen argument made by a committee headed by a millionaire with Colorado's highest paid public

employee (Coach McCartney) serving on it. It is difficult to determine workplace statistics about gay people anyway because a majority of them "pass" and do not let their fellow workers know their orientation because of fear of discrimination, harassment and violence.

14. Are certain entities exempt from "gay rights" laws?

Yes. Religious institutions always are exempted, and are free to follow their own biblical interpretations. Churches, for example, knowingly can refuse to hire gays or lesbians. Stories to the contrary are just that — stories. Similarly, under Denver's ordinance, a person with rental space in his/her home or duplex does not have to rent to a gay or lesbian. And employers with fewer than 20 employees likewise are "free to discriminate."

15. What legal arguments can we expect CFV to use in its campaign?

They frequently cite two Supreme Court cases, *Bowers v. Hardwick*, and *San Antonio Independent School District v. Rodriguez*. Neither case supports their arguments. Legal experts have looked at their literature and agree that they misinterpret precedent, and ignore some of the fundamental flaws with their amendment as drafted. If the amendment were to be adopted by the voters in November, then it would be up to the courts to sort through the complex legal issues presented. The important point to remember is that if adopted, this amendment would certainly be tied up in litigation for some time, and at considerable expense to the State.

16. Can CU Coach Bill McCartney continue to speak out?

Coach McCartney has the right to speak his mind on any topic; no one would deny him

his First Amendment right to free speech. The University of Colorado has a policy against using one's title or position to advertise non-university related business or enterprise. An investigation into his remarks determined that the policy was not violated, but he was cautioned about using the university as a CFV platform in the future. The cries of CFV that the coach has been censored are false. Since his free speech was never in danger, it is possible that CFV has used the "First Amendment" furor to distract attention from the real embarrassment of the Coach's remarks.

17. How are gays and lesbians discriminated against?

Gays and lesbians, like other minorities, often face discrimination in hiring and promotion, in on-the-job harassment, in housing, and in denial of services offered to other members of the public. They are also targets of hate crimes.

18. What are hate crimes?

Hate crimes are unlawful actions designed to frighten or harm an individual because of his/her race, religion, ethnicity or sexual orientation. These crimes range from verbal intimidation and harassment, to damage of property, to physical violence and murder. Hate crimes are motivated by a desire to ter-

rorize both the victim and the group of which the victim is a member. State and federal laws now require that data on the incidence of hate crimes be collected and published to aid law enforcement efforts and educate the public about their frequency.

19. Is this like the civil rights struggles of any other minority?

When you hear the arguments about why gays and lesbians should not have non-discrimination protection, substitute the words "Women" or "Blacks" or "Jews" for the word "Gays." Would that be tolerated in today's society?

20. Would CFV's proposed amendment be good for Colorado?

No! If CFV, backed by the national religious right movement, gets discrimination against gays and lesbians written into the Colorado Constitution, which minority group might be targeted next? Hispanics? Blacks? Jews? Divorced people? People who haven't produced children? What Coloradan wants to say, or even admit, that "I live in a state that legalizes discrimination?" This is the 1990s, not the 1890s. We are made strong by our diversity. We are made weak by hate, prejudice and intolerance. Denying rights is wrong. Repealing rights is wrong. This amendment should be defeated.

***The League of Women Voters of Colorado
recommends a "NO" vote on Amendment #2.***